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SCOTTSDALE, AZ 85255-9603

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MAR 03 2006

OFFICE OF PETITIONS

In re Application of Smith :
Application No. 10/673,901 : Decision on Petition
Filing Date: September 28, 2003 :
Attorney Docket No. 101.00013 :

This is a decision in response to the "Petition for Correction of Filing Receipt Under 37 C.F.R. §1.182" filed on November 8, 2005.

The petition is **dismissed as moot**.

Facts:

The application was filed on September 28, 2003. The application claimed priority to applications 10/016,082 and 09/398,388. The first sentence of the specification used the term "continuation-in-part."

The filing receipt stated,

This application is a CIP of 10/016,082 ... and is a CIP of 09/398,388

Petitioner states the instant application does not contain any new matter and should not have been called a CIP.

Petitioner requests a filing receipt indicating the instant application is a continuation application of application no. 10/016,082, which is a continuation of application no. 09/398,388.

Petitioner has filed an amendment to the specification correcting the priority claim language.

Analysis:

The addition or alteration of domestic priority claims is largely controlled by the provisions of 37 CFR 1.78.

The following question and answer were part of a set of questions and answers placed on the Office's website regarding 37 CFR 1.78.

Question: Applicant filed an application with a benefit claim to an earlier copending nonprovisional application. The benefit claim was filed within four months from the actual filing date of the application, but the relationship of the applications was designated as continuation." If applicant wants to change the relationship to

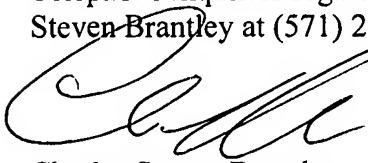
continuation-in-part,” would a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) be required? (added 4Feb2005)

No, the petition under 37 CFR 1.78(a)(3) and the surcharge would not be required when applicant is changing the relationship in a benefit claim from “continuation” (or “divisional”) to “continuation-in-part” or from “continuation-in-part” to “continuation” (or “divisional”), or from “continuation” to “divisional,” because the Office was able to schedule the application for publication with the relationship given.

As indicated above, a petition under 37 CFR 1.78 (or 37 CFR 1.182) is unnecessary. The claim may simply be added by amendment.

As a courtesy, the Office attaches an updated filing receipt. The filing receipt should not be construed as an indicated the amendment has been entered. The examiner is the ultimate party who will decide the propriety of the amendment.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Updated Filing Receipt



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/673,901	09/28/2003	3663	1325		3	19	3

49754
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SCOTTSDALE, AZ 85255-9603

CONFIRMATION NO. 1977
CORRECTED FILING RECEIPT
OC000000018145644
OC000000018145644

Date Mailed: 02/27/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Patrick W. Smith, Paradise Valley, AZ;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 10/016,082 12/12/2001 PAT 6,636,412
which is a CON of 09/398,388 09/17/1999

Foreign Applications

If Required, Foreign Filing License Granted: 01/06/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US10/673,901

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Hand-held stun gun for incapacitating a human target

Preliminary Class

102

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).